

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**December 16, 2004**

<b>IN RE:</b>	)	
	)	
<b>PETITION FOR APPROVAL OF</b>	)	<b>DOCKET NO.</b>
<b>AMENDMENT TO THE</b>	)	<b>04-00333</b>
<b>INTERCONNECTION AGREEMENT</b>	)	
<b>BETWEEN BELL SOUTH</b>	)	
<b>TELECOMMUNICATIONS, INC.</b>	)	
<b>AND TELE-SYS, INC. D/B/A ACCESS</b>	)	
<b>AMERICA TELEPHONE CO.</b>	)	

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**ORDER APPROVING  
FOURTH AMENDMENT TO THE INTERCONNECTION AGREEMENT**

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This matter came before Chairman Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 22, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the fourth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Co.

The original interconnection agreement between these parties was filed on April 3, 2002, and was assigned Docket No. 02-00352. By operation of Section 252(e)(4) of the Telecommunications Act of 1996, the interconnection agreement was deemed approved on July 2, 2002. The first amendment was filed on October 31, 2002, under Docket No. 02-01185 and was approved at a regularly scheduled Authority Conference on December 2, 2002. The second amendment was filed on October 28, 2003, under Docket No. 03-00572 and was approved at a regularly scheduled Authority Conference on December 8, 2003. The third

amendment was filed on August 30, 2004, under Docket No. 04-00271 and was approved at a regularly scheduled Authority Conference on October 11, 2004. The fourth amendment, which is the subject of this docket, was filed on October 4, 2004.

Based upon a review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)

6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the fourth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Co. is approved and is subject to the review of the Authority as provided herein.



Pat Miller, Chairman



Sara Kyle, Director



Ron Jones, Director